

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

YMELDA T. PATRICK,

Plaintiff and Appellant,

v.

ALACER CORPORATION,

Defendant and Respondent.

G037261

(Super. Ct. No. 03CC14826)

ORDER MODIFYING OPINION
AND DENYING PETITIONS FOR
REHEARING; NO CHANGE IN
JUDGMENT

It is ordered that the opinion filed herein on October 22, 2008, be modified as follows:

On page 18, line 4, after the sentence beginning with “Plaintiff alleges the increase in value,” insert the following sentence: “And the Trust directs the trustees to satisfy this community property interest by transferring Alacer stock to plaintiff.”

On page 19, line 4, delete the sentence beginning with “She allegedly has a present and existing ownership” and replace it with the following sentence: “She allegedly has a present and existing interest in Alacer stock already — she does not need to do anything to trigger her interest.”

On page 19, second full paragraph, delete the third sentence beginning with “If plaintiff has a community property interest” and replace it with the following sentence: “If plaintiff has a community property interest in the trust’s Alacer stock, then her husband, by directing the trustees to issue Alacer shares to plaintiff to satisfy her community property interest (if any), would not be giving plaintiff anything to which she is not already entitled.”

On page 20, line 2, after the sentence ending with “regardless of the Trust’s distribution provision,” insert the following sentence: “Transferring trust assets to satisfy an existing obligation is the antithesis of a *donative* transfer.”

On page 20, second full paragraph, delete the sentence beginning with “Through her alleged community property interest” and replace it with the following sentence: “Through her alleged community property interest, plaintiff is already entitled to some of the Alacer stock held in the trust’s name.”

All petitions for rehearing are DENIED.

The modification does not change the judgment.

IKOLA, J.

WE CONCUR:

SILLS, P. J.

O’LEARY, J.